

I. COMMITTEE HEARING AND REVIEW; DISMISSAL AND WITHDRAWAL

§ 32. Generally; Preparation of Briefs

The controlling statute provides that contested election cases are to be heard by the Committee on House Administration on the record of the case. This record consists of the papers, depositions, and exhibits filed with the Clerk.⁽¹⁹⁾

The contestant prepares a brief with an appendix disclosing those portions of the record sought to be considered. A similar brief is prepared by contestee.⁽²⁰⁾

Withdrawal of Evidence

§ 32.1 A contestant may be permitted to withdraw (without prejudice) unprinted evidence which he has submitted while testifying before a committee.

In the 1934 Pennsylvania election contest of *Shanahan v Beck* (§ 47.15, *infra*), the contestant presented no documentary evidence to the election committee of the matters charged in his notice of contest and filed no brief in the matter. While the committee

found that this constituted “laches” and was inexcusable under the circumstances, the contestant was nevertheless permitted to withdraw unprinted evidence which he had submitted while testifying before the committee, without prejudice.

§ 33. Dismissal and Withdrawal of Contest

Cause for Dismissal

§ 33.1 An elections committee may dismiss a contest for failure of a party to present evidence of matters charged in a notice of contest, or failure to file briefs as provided by law, or failure of a contestant to appear and show cause why his contest should not be dismissed.⁽²¹⁾

Order to Appear

§ 33.2 A contestant may be ordered to appear before a committee and show cause why his contest should not be dismissed for failure to submit evidence.

19. 2 USC § 392(a).

20. 2 USC § 392.

21. See *Casey v Turpin* (§ 47.3, *infra*), a 1934 Pennsylvania contest.